

Judge Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

CR05-167JCC

v.

ORDER CONTINUING
TRIAL DATE

JESSE BECERRIL MONTES,
a.k.a. ALBERTO RODRIGUEZ-PEREZ,
MONICA MARIE ST. ONGE,
Defendants.

This matter having come before the undersigned Court by stipulation and motion of counsel, the United States through the United States Attorney for the Western District of Washington, Susan M. Roe, Assistant United States Attorney for said district, and the defendants through counsel, Jeffrey Smith and Robert Gombiner, the Court being fully advised in the matter, now finds that

The trial was scheduled for June 27, 2005. The defendants are waiving their speedy trial rights until September 30, 2005, which is beyond the new trial date of September 19, 2005. The motion is made because there is a strong possibility that the matter will resolve short of trial, however, the lack of laboratory results has delayed the possible resolution. Counsel have been diligent in addressing this matter and this matter would be concluded except for the lack of drug analysis. The parties believe that with the continuance, this matter will be handled other than with a trial.

1 The Court is aware that time limitations for trial and speedy trial concerns
2 are set forth in Title 18, United States Code, Section 3161.

3 Section 3161(h) outlines the periods of excludable time, including:

4 (8)(A) Any period of delay resulting from a continuance
5 granted by any judge on his own motion or at the
6 request of the defendant or his counsel or at the request
7 of the attorney for the Government, if the judge granted
8 such continuance on the basis of his findings that the
9 ends of justice served by taking such action outweigh
10 the best interest of the public and the defendant in a
11 speedy trial. No such period of delay resulting from a
12 continuance granted by the court in accordance with this
13 paragraph shall be excludable under this subsection
14 unless the court sets forth, in the record of the case,
15 either orally or in writing, its reasons for finding that the
16 ends of justice served by the granting of such
17 continuance outweigh the best interests of the public
18 and the defendant in a speedy trial.

12 In this matter, the Court finds that further time is reasonable and necessary
13 as the requested time is within the speedy trial time period. Further, that the ends
14 of justice, especially those which deal with consideration of victims and
15 witnesses, are served by the requested continuance as this Title 21 trial has few
16 civilians witnesses and no known victims. Therefore, the trial date is continued
17 two weeks from June 27, 2005 until September 19, 2005.

18 Dated this 23rd day of June, 2005.

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22 UNITED STATES DISTRICT JUDGE

23 Presented by:
24 s/Susan M. Roe
25 SUSAN M. ROE
26 Assistant United States Attorney
27 WSBA 13000
28 United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
Telephone: 206/553-1077
Fax: 206/553-0755
E-mail: susan.roe@usdoj.gov